

RM 8577

**OFFICE OF COMMISSIONER RACHELLE B. CHONG**  
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April 18, 1995

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**FEDERAL COMMUNICATIONS COMMISSION**  
**OFFICE OF SECRETARY**

Mr. Abel Meirelles  
Chairman  
County of Kings  
Board of Supervisors  
Government Center  
Hanford, California 93230

**DOCKET FILE COPY ORIGINAL**

Re: Cellular Telecommunications Industry Association's Petition to  
Preempt State and Local Zoning Regulations

Dear Mr. Meirelles:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

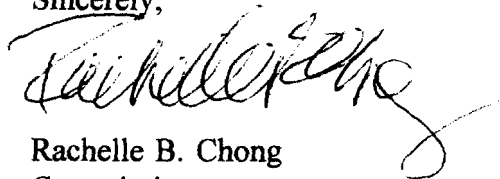
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certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachelle B. Chong", with a long, sweeping flourish extending to the right.

Rachelle B. Chong  
Commissioner

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**BOARD OF SUPERVISORS**

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Commissioner Rachelle Chong  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20036

March 8, 1995

Dear Commissioner Chong:

Cellular Telecommunications Industry Associations (CTIA), an organization representing the cellular utilities, has petitioned your Commission with respect to authority over the construction of new cellular telephone towers. CTIA proposes that siting and construction authority for these structures be taken from local land use decisionmakers and the California Public Utilities Commission, and given instead to your agency.

We believe that preempting local authority to enforce the land use and development policies contained in general plans and zoning ordinances is a mistake which may easily result in incompatible and disruptive land uses. We believe that decisions reached locally as to the location and construction of cellular telephone towers are far more likely to consider and protect existing investments in residential, commercial, industrial, and other land uses; and are more likely to result in locating these facilities where property values and future growth patterns are least likely to be affected.

The Kings County Board of Supervisors urges your Commission to reject CTIA's petition and to retain local and state authority over local land use issues.

Sincerely,

KINGS COUNTY BOARD OF SUPERVISORS

  
Abel Meirelles, Chairman